

SERVICE DATE - LATE RELEASE OCTOBER 30, 2003

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. 41185

ARIZONA PUBLIC SERVICE COMPANY & PACIFICORP

v.

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY¹

Decided: October 30, 2003

By decision served on October 14, 2003, the Board directed the parties to submit a proposed procedural schedule in this reopened proceeding. By motion filed on October 24, 2003, complainants Arizona Public Service Company and PacifiCorp submitted a procedural schedule, to which all parties agree, and asked the Board to order its adoption. The proposed procedural schedule is reasonable and will be adopted.

Given that the parties have agreed upon a schedule that calls for discovery to be completed by December 12, and have not suggested that a Board staff supervised discovery conference be held, such a conference will not be scheduled at this time. The Board can, however, schedule a discovery conference if the parties feel that such a conference would be helpful.

It is ordered:

1. The procedural schedule in this proceeding is as follows:

December 12, 2003
January 16, 2004
February 27, 2004
March 16, 2004

Discovery Completed.
Complainants file opening evidence.
Defendant files reply evidence.
Complainants file rebuttal evidence.

¹ The original defendant in this proceeding, The Atchison, Topeka and Santa Fe Railway Company, has since merged with the Burlington Northern Railroad Company to form The Burlington Northern and Santa Fe Railway Company (BNSF). Accordingly, this proceeding has been recaptioned to refer to the defendant as BNSF.

2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary